

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WAYNE PARKER,

Petitioner,

v.

BRUCE DAVIS, et al.,

Respondents.

Civil Action No. 22-7140 (KMW)

MEMORANDUM ORDER

This matter comes before the Court on a petition for a writ of habeas corpus filed by Petitioner Wayne Parker. (ECF No. 1.) By way of background, Petitioner filed a habeas petition in November 2018 while his state court post-conviction proceedings were ongoing. (*See* Docket No. 18-16129 at ECF No. 1.) Petitioner sought and was granted a stay in that matter by Judge Hillman. (Docket No. 18-16129 at ECF No. 9.) Pursuant to Judge Hillman's order, upon completion of exhaustion in the state courts, Petitioner was to "request to reopen" his original habeas matter through filing a letter request or amended petition. (*Id.* at 2.)


According to his current petition, Petitioner is attempting to do just that. In his current petition, Petitioner directly references the stay granted to him by Judge Hillman and asserts that he is now trying to timely return to this Court to seek relief through his stayed habeas matter. (ECF No. 1 at 24.) Indeed, Petitioner's current filing is labeled with his original docket number, albeit with a typo (18-1y1290-NLH rather than 18-16129-NLH). As it is clear that Petitioner's current filing is actually intended to be an amended petition and request to reopen his original habeas matter, the Clerk of the Court shall be directed to refile his petition in his original case and this

matter shall be closed. Petitioner should direct any future filings related to his habeas petition to his original docket number, 18-16129.

IT IS THEREFORE on this **9th** day of December, 2022,

ORDERED that the Clerk of the Court shall refile Petitioner's current habeas petition (ECF No. 1) as an amended habeas petition and request to reopen in his original habeas case, Docket No. 18-16129; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular mail and shall **CLOSE** this file.


Hon. Karen M. Williams,
United States District Judge